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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

<p>JUDY W. BYLSMA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>PERRY CITY, a Utah municipality; JERRY NELSON, an individual;, and JOHN and JANE DOES 1-5, individuals,</p> <p>Defendants.</p>	<p>NOTICE OF REMOVAL</p> <p>No. 1:07-cv-0053</p> <p>Judge Tena Campbell</p>
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Defendants, Perry City and Jerry Nelson, by and through counsel of record, and pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal and represents as follows:

INTRODUCTION

1. On or about November 9, 2006, Plaintiff filed an action alleging only state law causes of action against Defendant Perry City in the First Judicial District Court, Box Elder County, Utah (Case No. 060101230). See Exhibit A.

2. Plaintiff then filed her first Amended Complaint against Perry City and Mayor Jerry Nelson on December 27, 2006, also only alleging state law causes of action. See Exhibit B.

3. Defendants filed their Answer to the First Amended Complaint on January 11, 2007. See Exhibit C, attached hereto.

4. On March 21, 2007, Plaintiff filed a Stipulation to file a Second Amended Complaint, which added federal causes of action. See Exhibit D.

5. On March 23, 2007, the state court granted the stipulation to file the Second Amended Complaint and the Second Amended Complaint was filed that same day. See Court's Order, attached as Exhibit E.

6. On April 4, 2007, Plaintiff's counsel provided Defendants' counsel with a copy of the Second Amended Complaint that had been filed on March 28, 2007. See Exhibit F.

NATURE OF SUIT

7. Plaintiffs seek economic, consequential, special and punitive damages based upon her allegations that Defendants breached express and implied covenants regarding her alleged employment contract with Defendant Perry City. Plaintiff has also alleged various federal causes of action, including: alleged violation of 42 U.S.C. § 1983 (Equal Protection, Deprivation of Property Interest without Due Process and Deprivation of Liberty Interest without Due Process); alleged violation of 42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act of 1964); and alleged violations of 29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act). Plaintiff also seeks costs and attorney's fees.

8. This court has original jurisdiction over the above described federal causes of action (42 U.S.C. § 1983; 42 U.S.C. § 2000e; 29 U.S.C. § 621) pursuant to 28 U.S.C. § 1331 because Plaintiff's Complaint asserts claims arising under the laws of the United States and removal is therefore proper pursuant to 28 U.S.C. § 1441(b).

9. This court also has ancillary jurisdiction over the state law claims asserted in Plaintiff's Complaint under 28 U.S.C. § 1441(c).

10. This Notice of Removal has been filed within the 30-day time period required by 28 U.S.C. § 1446(b).

11. Venue is proper in this district under 28 U.S.C. § 1441(a) because the Northern Division of this district embraces this place in which the removed action is pending.

THE NOTICE OF REMOVAL IS PROCEDURALLY CORRECT

12. Attached hereto are copies of all pleadings, process, orders, and all other filings served upon or known to the Defendant in the state court action, consisting of the following:

- Exhibit A Plaintiff's Summons and Complaint
- Exhibit B Plaintiff's First Amended Complaint
- Exhibit C Defendant's Answer and Jury Demand
- Exhibit D Stipulation to file Second Amended Complaint.
- Exhibit E Order granting Motion to File Second Amended Complaint
- Exhibit F Second Amended Complaint (Jury Trial Requested)
- Exhibit G State Court Notice of Removal

WHEREFORE, Defendants hereby remove this action from the First Judicial District Court of Box Elder County, State of Utah, to the United States District Court for the District of Utah, Northern Division.

DATED this 10th day of April, 2007.

CHRISTENSEN & JENSEN, P.C.

/s/ David C. Richards

David C. Richards
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of April, 2007, a true and correct copy of the foregoing NOTICE OF REMOVAL was mailed (without attachments) to the following:

Jennifer L. Falk, #4568
Of Counsel
Dennis Flynn, #10399
WINDER & HASLAM, P.C.
175 West 200 South, Suite 4000
P.O. Box 2668
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/s/ David C. Richards